

Town of Underhill
Personnel Policy Handbook

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CDL Drivers

PERSONNEL POLICY

1. Introduction

A. Purpose

The purpose of this Personnel Policy is to inform employees of personnel guidelines of the Town of Underhill and to establish effective communication between Town employees and management.

The selectboard reserves the right to add, amend or delete any benefit or policy statement herein at any time, with or without notice. The manual contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described.

Please read all the information presented in this booklet and keep it as a ready reference. Some of the subjects described here are covered in detail in policy documents. You should refer to those documents for specific information since the handbook only briefly summarized those benefits.

B. Title and Authority

This policy shall be known as the Town of Underhill "Personnel Policies". These Personnel Policies are adopted by the Town of Underhill selectboard under the authority set forth in 24 V.S.A. §§ 1121 and 1122 and by their adoption supersede any rules previously in force.

This personnel policy will be administered by the selectboard or its authorized representative.

C. Employment at Will

This manual and the provisions contained herein do not constitute a contract to employment in whole or in part. Employment with the Town of Underhill is at will and not for any definite period or succession of periods of time. The Town or the employee may terminate employment at any time, with or without notice. No supervisor or other town representative, except for the selectboard, has the authority to enter into any agreement for employment for any specified period.

D. Equal Employment Opportunity

Equal Employment Opportunity has been, and will continue to be, a fundamental principle of the Town of Underhill, where employment is based upon personal capabilities and qualifications without discrimination because of race, color,

religion, gender, sexual orientation, age, national origin, disability, veteran's status, or any other protected characteristics as established by law.

This policy of Equal Employment Opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination and all other terms and conditions of employment.

E. Appendices – Work Place Policies

The Appendices attached to these Policies have been adopted separately and may be amended or additional policies added, from time to time.

F. Persons Covered

Except as provided elsewhere, this personnel policy applies to full-time and part-time employees of the Town of Underhill. Except as stated herein, elected officers and their statutory assistants, members of Town boards and commissions, volunteers, seasonal employees and persons who provide the town with services on a contract basis are not covered by this policy.

G. Type of Appointments

Based on the conditions of employment, employees of the town fall into the following categories:

Full-time
Part-Time
Temporary

Full-Time: A regular full-time employee works on a continuous basis a minimum of 30 hours per week. The full-time employee is subject to all rules and regulations and receives all benefits and rights as provided by this Personnel Policy except where noted.

Exempt employees are classified as such if their job duties are exempt from the overtime provisions of the Federal and State Wage and Hour Laws. Exempt employees are not eligible for overtime pay. Their salaries are calculated on a weekly basis.

Non-exempt employees receive overtime pay in accordance with our overtime policy. Their salaries are calculated on an hourly basis.

Part-Time: Are classified as exempt or non-exempt and work a regular schedule of 17.5 hours or more but less than 30 hours per week. Employees working less than 17.5 hours per week receive no benefits beyond those required by law.

Temporary: A full-time or part-time employee who is appointed to a position for a limited time period not to exceed six months of continuous service. Temporary employees receive no benefits beyond those required by law.

2. Employment

A. Position Vacancy

As soon as a vacancy occurs or is anticipated in a Town position except town clerk/treasurer appointees, the Department Head shall, as soon as practicable, notify the selectboard of that vacancy. At the time of providing said notice, the Department Head may suggest, as he or she deems necessary, the elimination of the vacant position, filing of the vacancy by promotion from within the department, or revision of the relevant job description.

Whenever a Department Head desires to create and fill a new position, he/she may submit to the selectboard a proposed job description (including suggested pay rate) together with a written statement substantiating the need for the proposed position. No new position will be established without the prior approval by the selectboard.

B. Recruitment

The selectboard shall post a notice of every municipal vacancy in all municipal buildings for a period of at least five business days. Notices of vacancies may also be posted in newspapers, on the municipal web site, and in such other appropriate media. Notices may also be placed in professional or trade journals. The town also uses the services of VLCT for recruitment.

Notice shall specify the vacant position, nature of the work to be performed, required or preferred qualifications of the applicants, and other such information as may be considered desirable. Notice shall include verification that the municipality does promote Equal Employment Opportunity.

All applications for employment shall be in the form as prescribed by the selectboard. Said form shall include information concerning the applicant's identity, work experience, and any other matter deemed relevant by the selectboard. Any materially false statement shall be grounds for rejection of any application or dismissal from the Town's service.

As part of the pre-employment procedure, former supervisors, employers, and references provided by applicants may be contacted to confirm application information. Reference checks may be personal or telephone contact and shall be documented. These reference checks shall be completed prior to an offer of employment and the information shall be made part of the application file. Motor vehicle, criminal background and/or credit checks may be included and will be

completed after a conditional offer of employment has been conveyed and accepted by the applicant. All such information is to be handled as privileged and confidential.

C. Proof of Citizenship

All new municipal employees must provide the municipality with proof of citizenship or legal immigration status in conformance with federal law. Failure to provide such proof shall result in non-hiring or immediate dismissal

3. On The Job

A. Attendance, Punctuality and Dependability

Because the Town of Underhill depends heavily upon its employees, it is important that employees attend work as scheduled. Dependability, attendance, punctuality, and a commitment to do the job right are essential at all times. As such, employees are expected at work on all scheduled work days and during all scheduled work hours and to report on time. An hourly employee should notify his/her supervisor as far in advance as possible if he/she expects to be late or absent. To the extent permitted by law, absenteeism and lateness lessen an employee's chances for advancement and may result in dismissal. Exempt employees, should notify co-workers of upcoming absences.

B. Gratuities and Gifts

Employees may not directly or indirectly ask, demand, exact, solicit, accept or receive a gift, gratuity, act or promise beneficial to that individual, or another, which could influence any action or inaction associated with their official duties on behalf of the Town, or create the appearance of impropriety in connection with any actions or inactions associated with their official duties on behalf of the town.

C. Job Safety

Maintaining a safe work environment requires the continuous cooperation of all employees. The town strongly encourages employees to communicate with fellow employees, their supervisor, or the selectboard regarding safety issues.

All employees shall conduct themselves in the discharge of job obligations in a manner which expose him/her, fellow employees, and Town property to the least risk of injury or damage.

Employees should contact their supervisor or call 911 in the event of an emergency.

If an employee is injured on the job, the town provides coverage and protection in accordance with the Workers' Compensation Law. When an injury is sustained at work, it must be reported immediately to the employee's supervisor.

D. Work Relationships

All employees shall attempt to maintain productive work relationships.

E. Town Property

The Town provides supplies, equipment, vehicles and materials necessary for employees to perform their jobs. These items are to be used solely for Town authorized purposes. Employees are expected to exercise care in the use of Town equipment and property. Loss, damages or theft of Town property should be reported at once. Employees shall not use Town equipment and vehicles while under the influence of a controlled substance.

Employees who are issued keys to Town buildings or vehicles are expected to maintain security of property and to not distribute copies of their keys.

F. Confidentiality

An employee shall not disclose confidential information gained by him/her by reason of his/her position except as authorized or required by law, nor shall he/she otherwise use such information for personal gain or benefit.

G. Conduct

All employees are considered representatives of the Town of Underhill and as such are expected to conduct themselves in a courteous, helpful and respectful manner in all their interactions with the public and with other employees.

All employees are expected to faithfully execute the duties and responsibilities of their office to the best of their ability and in compliance with the provisions of this personnel policy. Work shall be performed in an efficient, timely and effective manner. All employees shall strive to acquire, develop and expand the skills required by his/her position.

H. Political Activity

No employee may use his or her official authority for the purpose of interfering with or affecting the nomination or election of any candidate for public official, or demand or solicit from any individual direct or indirect participation in any political party, political organization or support of any political candidate. Employees are prohibited from using Town facilities, equipment or resources for political purposed and from pursuing political activities while working.

This personnel policy is not to be construed to prevent employees from becoming or continuing to be members of any political party or organization, from attending political party or organization meetings or events, or from expressing their views on political matters, so long as these views are clearly articulated as being those of the individual and not of the Town, and these activities do not interfere with the individual's ability to effectively perform his or her duties and take place or are expressed during non-working hours. Nor is this personnel policy to be construed from prohibiting, restraining or in any manner limiting an individual's right to vote with complete freedom in any election.

I. Outside Employment

The primary occupation of all full-time employees shall be the Town. Employees may not engage in any outside business activities during their normal working hours. Employees are prohibited from undertaking outside employment that interferes with their job performance or constitutes a conflict of interest.

J. Anti-Nepotism

No employee of the Town shall appoint or attempt to influence the appointment or participate in the decisions to hire, retain, promote or determine the salary of any person related to him/her by blood, marriage or close personal relationship to any position for which compensation is received from the Town.

It is the policy of the municipality that immediate relatives shall not be employed in the same municipal department. Temporary employees may be exempted from this provision where the possibility of any conflict of interest is deemed to be minimal and with prior approval of the selectboard. For the purpose of this subsection, immediate relative shall include (step) mother, (step) father, parent-in-law, sister (in-law), brother (in-law), spouse son, daughter, (step) children or domestic partner. Any individual applying for employment in conflict with this policy shall be notified in writing of his/her ineligibility.

K. Violence in the Work Place

The Town of Underhill strongly believes that all employees should be treated with dignity and respect. Acts of violence will not be tolerated. Any instances of violence must be reported to the selectboard. All complaints will be fully investigated. The town will promptly respond to any incident or suggestions of violence.

L. Computer System

The Town computer system is to be used by employees for the purposes of conducting Town business. Occasional, brief, and appropriate personal use of the

Town computer system is permitted, provided it is consistent with this policy and does not interfere with an employee's job duties and responsibilities.

Employees should have no expectation of privacy regarding anything created, sent or received on the Town computer system. The Town may monitor any and all computer transactions, communications and transmissions to ensure compliance with this policy and to evaluate the use of its computer system. All files, documents, data and other electronic messages created, received or stored on the Town computer system are open to review and regulation by the Town and subject to the provisions of Vermont's Public Records Law.

Employees may not introduce software from any outside source on the Town's computer system without explicit prior authorization from their supervisor. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce on the Town computer system.

Employees who have a confidential password to access the Town's operating system should be aware that this does not mean the computer system is for personal confidential communication, nor does it suggest that the computer is the property of that person.

Transmission of electronic messages on the Town computer system shall be treated with the same degree of propriety, professionalism, and confidentiality as written correspondence. The following are examples of uses of the Town computer system which are prohibited:

- Communications that in any way may be construed by others as disruptive, offensive, abusive, discriminatory, harassing, or threatening;
- Communications of sexually explicit images messages;
- Transmission of chain letters or solicitations for personal gain, commercial or investment ventures, religious or political causes, outside organizations, or other non job-related solicitations during or after work hours;
- Access to Internet resources, including web sites and news groups, that are inappropriate in a business setting;
- Any other use that may compromise the integrity of the Town and its business in any way.

E-mail messages that are intended to be temporary, non-substantive communications may be routinely discarded. However, employees must recognize that e-mails sent, received, or stored on the Town computer system are

subject to Vermont's Public Records Law and may be covered by the State of Vermont's retention scheduled for municipal records.

For purposes of this section, computer system means all computer-related components and equipment including, but not limited to, host computers, file servers, workstation terminals, laptops, software, internal or external communication networks, the world wide web, the Internet, commercial online services, bulletin board systems, back up systems and the internal and external e-mail systems accessed via the Town's computer equipment.

M. Personnel Files

Personnel records will be maintained for each employee of the Town. In accordance with Vermont's Public Records Law, any employee or the employee's designated representative may inspect or copy his or her personnel file at a mutually agreeable time during regular office hours. The Town reserves the right to have its representative present at that time its files are examined or copied.

To keep necessary Town records up to date, employees must notify human resources of any changes in:

- Name and or marital status
- Address and/or telephone number
- Number of eligible dependents
- W-4 deductions
- Person to contact in case of an emergency

N. Drug Free Workplace

The municipality has adopted a drug free workplace policy. See the full policy in the appendices for further information.

O. Smoking in the Workplace

The municipality has adopted a smoking policy. See the full policy in the appendices for further information.

P. Sexual Harassment

The municipality has adopted a comprehensive Sexual Harassment Policy. See the full policy in the appendices for further information.

Q. Family and Medical Leave Act ("FMLA")

The municipality complies with the Federal Family and Medical Leave Act. See the full policy in the appendices for further information.

R. Health and Safety Policy

The municipality has adopted a comprehensive Health and Safety Policy. See the full policy in the appendices for further information

S. Harassment Policy

The municipality has adopted a comprehensive Harassment Policy. See the full policy in the appendices for further information.

T. American With Disabilities Act ("ADA")

The municipality is committed to complying with all applicable provisions of the Americans With Disabilities Act. See the full policy in the appendices for further information.

V. Open Door Policy and Internal Complaint System

The Town of Underhill promotes an atmosphere whereby employees can talk freely with members of the management staff. Employees are encouraged to openly discuss with their supervisor any problems so that appropriate action may be taken. If the supervisor cannot be of assistance, the select board is available for consultation and guidance. The Town of Underhill is interested in all of our employees' success and happiness with us. We, therefore, welcome the opportunity to help employees whenever feasible.

In situations where employees feel a complaint is in order, the following steps should be taken:

If an employee believes that he/she has a legitimate work-related complaint, the employee is encouraged to first attempt to resolve the issue(s) thru discussions with his/her immediate supervisor.

If the situation is not resolved within five working days from the time the complaint is discussed with the employee's immediate supervisor, barring extenuating circumstances, it should be brought to the attention of the next level supervisor or to the select board with a written complaint. The select board will attempt to resolve the complaint within a reasonable period of time while preserving the confidentiality and privacy of those involved to the extent feasible.

4. Employee Review and Compensation

A. Employee Review Program

In order to attract and retain a highly qualified and competent work force, the Town has instituted an employee review program to compensate employees in a fair and equitable manner based upon demonstrated job performance and in accordance with its Equal Employment Opportunity policy.

Through this program employees will receive constructive work reviews designed to address performance and skill developmental needs and interests. Under usual and appropriate circumstances, employees should receive a performance review annually on or near their anniversary.

The selectboard will set annual salary rates for the upcoming fiscal year during the fall budget preparation schedule taking into consideration annual performance reviews, responsibility, length of service, education, comparable studies and cost of living among other variables.

If an employee's job responsibilities change substantially at any time after the annual work review, however, another review may be performed before the next annual review, after the new assignment has begun. The employee becomes eligible for consideration of a salary review corresponding to his/her new assignment.

B. Payment of Salary

The Town's work week begins on Monday and ends on Sunday. Salary payment is made bi-weekly for base salary covering salary or hours worked in the prior bi-weekly period. Paydays are bi-weekly on every other Thursday.

Overtime payment, which is included with the non-exempt employee's base salary payment, is also paid bi-weekly with such payment covering hours worked in the prior bi-weekly period.

It is the Town's policy that employee paychecks will only be given personally to that employee. All other arrangements for mailing or pick-up must be made in advance and in writing with human resources.

If the normal payday falls on a Town-recognized holiday, paychecks will be distributed one workday prior to the aforementioned schedule. Under no circumstances will the Town release any paychecks prior to the announced schedule.

Employees may be paid by check or through direct deposit of funds to either a savings or checking account at their bank (providing the bank has direct deposit capability). To activate direct deposit, a Direct Deposit Authorization form should be completed and returned with a voided personal check to human resources. Due to banking requirements, it may take several weeks for activation of the Direct Deposit.

In the event of a lost paycheck, human resources must be notified in writing as soon as possible before a replacement check can be issued. In the event the lost paycheck is recovered and the Town identifies the endorsement as that of the employee, the employee must remit the amount of the replacement check to the Town within 24 hours of the time it is demanded.

A statement of earnings is given each pay period to employees indicating:

Gross Pay
Statutory Deductions
Voluntary Deductions

The amount of Federal withholding is affected by the number of exemptions claimed on Form W-4, Employee's Withholding Allowance Certificate. If an employee's marital status changes or the number of exemptions previously claimed increases or decreases, a new Form W-4 must be submitted to human resources.

C. Overtime Pay

Depending on Town work needs, employees will be required to work overtime when requested to do so. Prior approval of a department head is required before any non-exempt employee works overtime. Employees working overtime without approval will be subject to disciplinary action.

Non-exempt full-time employees are eligible for additional pay for work performed beyond their regularly scheduled 40 hours at the rate of one and one half times their normal hourly rate. Vacation time, holiday time, or other payment for time not worked will be included in the calculation of whether an employee has worked more than 40 hours.

Employees are responsible for calculating their own hours on a daily basis. The employee's supervisor must approve his/her hours worked at the end of each week. All time records must be signed by the employee and his/her supervisor and submitted to the payroll department by 10:00 a.m. on the Monday preceding the payday in order for an employee's pay to be processed for payday.

All attendance records are Town records and care must be exercised in recording the hours worked, overtime hours, and absences. Employees are not to sign in or out for other employees.

Exempt employees are not required to prepare time records; however, vacation, holiday, and personal days must be recorded on an attendance sheet in order to keep accurate records of time taken and remaining.

D. On Call Pay

All highway employees are eligible for on call pay in order to compensate them for being available 24/7 during the winter snow season. The on call pay is paid over four months beginning in December and ending in March. Eligible employees are required to remain in the local area and be able to respond to emergencies within one hour.

E. Work Related Expenses and Reimbursement

Employees who are required to travel in the fulfillment of their jobs are reimbursed at the mileage rate allowed by the Internal Revenue Service. Other expenses related to work will be reviewed by the selectboard and reimbursed after the completion of an expense voucher.

Reasonable travel advances will be provided to employees when they are required to travel out of town on behalf of the Town with the approval of the selectboard.

Expense reports should be prepared and submitted monthly.

5. Time Off

A. Vacation

Time away from work to relax and pursue special interests is important to everyone. All full-time employees are eligible for paid vacation. Time is earned and taken in what is considered a "vacation year". The vacation year for highway employees is the calendar year. The vacation year for all other employees begins and ends on their anniversary date.

For the first vacation year, vacation time will accrue at the rate of 1.25 days per month. Employees will be eligible to take vacation time after completing three months of service.

After the first vacation year of employment, employees will earn their annual vacation days on the first day of their vacation year.

Length of Service

Annual Vacation Days

1 st through 10 th calendar year	15
11 th calendar year	16
12 th calendar year	17
13 th calendar year	18
14 th calendar year	19
15 th and each subsequent calendar year	20

Employees should utilize all of their allotted vacation time during the calendar year because, except as approved by the selectboard in special circumstances, employees will not be permitted to carry vacation time not used into the following year. For employees employed at least three years, the selectboard may approve the carry over of up to five days of vacation time.

Vacation time may be taken at any time, but employees should make their vacation requests as far in advance as possible. Based upon department needs, the every reasonable attempt will be made to grant an employee the vacation dates he/she requests.

When a Town holiday falls during a scheduled vacation, it is not counted as a vacation day.

Any employee that becomes ill during a scheduled vacation cannot change a vacation day to a personal day; scheduled vacation days count as vacation days even if an employee would ordinarily take a personal day.

An employee who resigns from employment with the Town will be compensated for unused vacation leave.

B. Holidays

All full-time employees (including those in initial employment period) are eligible for 11 paid holidays per year as follows:

New Year's Day
President's Day
Memorial Day
Independence Day
Labor Day
Veterans Day
1/2 Day Before Thanksgiving
Thanksgiving Day
Day after Thanksgiving
1/2 Day on Christmas Eve
Christmas Day

Employees are also eligible for one "floater" holiday. Non-exempt employees may take the floater holiday in 1/2 day increments.

At the end of each year the holiday schedule for the coming year will be posted at town hall and the town garage.

When a holiday falls on a weekend, it will be observed on either the preceding Friday or the following Monday.

No holiday pay may be carried forward to another year.

C. Personal Time

All full-time employees are eligible for five paid personal days per year, to be used for doctor's visits, illness, religious observance, moving, etc. During the first year of employment with the Town personal days are prorated.

Personal days generally are not approved before an employee has been employed at the Town for at least three months. They are to be used at the employee's convenience with his/her supervisor's advance approval.

Employees may carry forward accrued but unused personal leave up to a maximum of twenty (20) days.

Under no circumstances will payment in lieu of time off be given and personal days not taken when an employee terminates will be forfeited.

D. Jury Duty Leave

In compliance with 21 V.S.A. § 499 and in recognition by the Town that it is a civic obligation of each Town employee to serve jury duty when called, a leave of absence will be granted to all full-time and part-time employees who have been notified to serve. During this leave, employees will be compensated by payment of an amount equal to the difference between their jury duty pay and their regular salary. An employee on jury duty is expected to report to work any day he/she is excused from jury duty.

Upon receipt of the notice to serve jury duty, the employee should immediately notify his/her supervisor, as well as human resources. Additionally, a copy of the notice to serve jury duty should be attached to the employee's attendance record for attendance purposes.

Upon the employee's return, the employee must notify Human Resources and must submit a signed Certificate of Jury Duty indicating the number of days served.

E. Military Leave

The Town will comply with the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4303 et seq., and 21 V.S.A. §§ 791 et seq. Employees who take military leave subject to the provisions of these laws will be granted leave without pay. At the option of the employee, any paid leave accrued prior to the commencement of the leave may be used.

During a military leave of less than 31 days, an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. For military leaves of more than 31 days, an employee may elect to continue his/her health coverage for up to 24 months of uniformed service, but may be required to pay all of the premium for the continuation coverage.

Upon receipt of orders for active or reserve duty, an employee should notify his/her supervisor, as well as Human Resources, as soon as possible, and submit a copy of the military orders.

Employees will also be granted time off for military training (normally 14 days plus travel time) and other related obligations, such as for an examination to determine fitness to perform service.

F. Bereavement Leave

In the unfortunate event of a death in the immediate family, a leave of absence of up to 5 days with pay will be granted. These five days are to be taken consecutively within a reasonable time of the day of the death or day of the funeral, and may not be split or postponed.

For this purpose, immediate family is defined as:

- Spouse/Domestic Partner
- Child
- Step Child
- Parents (including parents of spouse or domestic partner)
- Step Parents
- Siblings
- Step Siblings
- Grandparents
- Grandchildren
- Ward
- Any relative residing in the employee's home

Employees should make their supervisor aware of their situation. In turn, the supervisor should notify human resources.

G. Time Off To Vote

On days when elections for public office are scheduled in the Town, employee schedules will be changed as needed to ensure that the employee has adequate time to vote.

Employees living in other localities or states will need to inform their supervisor in advance if they expect any conflict with their work schedule and the exercise of voting rights in any election for public office.

No employee will be penalized or retaliated against for requesting time off to vote.

H. Parental and Family Leave

Employees are eligible to receive benefits as described in the Family and Medical Leave Act ("FMLA") and the Vermont Parental and Family Leave Act ("PFLA"). The Town reserves the right to designate any qualifying leave of absence granted under this policy as leave under FMLA or the PFLA. Where an employee's leave request is covered by the PFLA and the FMLA, the Town will adhere to the law that provides the most benefits to the employees. If an employee is entitled to leave under both PFLA and FMLA, the leave periods will run concurrently.

FMLA rights are detailed in the appendices to this policy.

For the purposes of determining the twelve month period in which an employee may be entitled to PFLA and/or FMLA leave, the Town will use a rolling twelve-month period measured backward from the date an employee uses such leave.

I. Short Term Family Leave

In accordance with the Vermont Short Term Family Leave Law, eligible employees may be entitled to take unpaid leave not to exceed four hours in any thirty-day period and not to exceed twenty-four hours in any twelve month period for the following purposes:

- To participate in preschool or school activities directly related to the academic educational advancement of the employee's child, step-child, foster child, or ward;
- To attend or accompany the employee's child or other family member to routine medical or dental appointments;
- To accompany the employee's parent, spouse or parent-in-law to other appointments for professional services related to their care and well-being; or
- To respond to a medical emergency of the employee's family member.

The Town may require that leave be taken in a minimum of two-hour segments. At the option of the employee, accrued paid leave may be used. An employee shall make a reasonable attempt to schedule appointments

for which leave may be taken outside of regular work hours. The employee shall provide the Town with the earliest possible notice of the intent to take short term family leave.

J. Compensatory Time

The Town compensates all nonexempt employees at the rate of one and one-half hours for each hour excess of forty hours in any workweek. Employees employed in executive, administrative or professional capacities as defined by FLSA are exempt from this requirement.

In lieu of overtime pay, nonexempt employees may accrue compensatory time off (“comp time”) subject to the following conditions:

- Comp time is earned at a rate of one and one half hours for each hour worked in excess of forty hours in any workweek.
- An employee may accrue a maximum of forty hours of comp time (40 hours of comp time represents 26.67 hours of actual overtime work). An employee who has accrued 40 hours of comp time will be paid overtime compensation for additional overtime hours worked.
- An employee may, at the Town’s discretion, be paid in cash in lieu of compensatory time off.
- An employee receiving payment for accrued comp time will be paid at the regular rate of pay earned by the employee at the time the employee receives such payment.
- Upon termination from employment, an employee will be paid for unused comp time at a rate not less than the average regular rate of pay received by the employee during the last three years of employment or the employee’s final regular rate of pay, whichever is higher.
- An employee who has accrued comp time and requested use of comp time will be permitted to use such time off within a reasonable period after making the request, if such use does not unduly disrupt the Town’s operations. Request for use of comp time must be submitted to the employee’s supervisor, who will have sole discretion to grant or deny the request. Requests for use of comp time will not be unreasonably withheld.

K. Leave of Absence Without Pay

All requests for leaves of absence without pay for any reason other than those covered by federal or state law must be submitted in writing to the employee's

supervisor and must set forth the purpose for which the leave is requested. All leave requests must be for a definite period of time and include a specific date of return.

If a leave of absence without pay is granted, the employee may, at the select-board's sole discretion, continue the employee's group health plan coverage by paying the required premium in accordance with a payment schedule established by the Town. Other employee benefits, such as personal time off, vacation, seniority, etc. do not accrue during the unpaid leave period.

6. Employee Benefits

A. Disclaimer

The Town has established a variety of employee benefit programs designed to assist employees and their eligible dependents in meeting the financial burdens that can result from illness and disability, and to help employees plan for retirement. This portion of the Personnel Policy Handbook contains a very general description of the benefits to which employee may be entitled. Please understand that this general explanation is not intended to, and does not, provide employees with all the details of these benefits. Therefore this policy does not change or otherwise interpret the terms of the official plan documents. To the extent that any of the information contained in this policy is inconsistent with the official plan documents, the provisions of the official documents will govern in all cases.

Please note that nothing contained in the benefit plans described herein shall be held or construed to create a promise of employment or future benefits, or a binding contract between the Town and its employees, retirees or their dependents, for benefits or for any other purpose. All employees shall remain subject to discharge or discipline to the same extent as if these plans had not been put into effect.

As in the past, the Town reserves the right, in its sole and absolute discretion, to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefit plans described herein, including any health benefits that may be extended to retirees and their dependents. Further, the Town reserves the exclusive right, power and authority, in its sole and absolute discretion, to administer, apply and interpret the benefit plans described herein, and to decide all matters arising in connection with the operation or administration of such plans.

For more complete information regarding any of our benefit programs, please refer to the Summary Plan Descriptions, which were provided to you separately or contact human resources. If you lost or misplaced those descriptions, please contact human resources for another copy.

B. Federal Social Security

The Town participates in the Social Security program. The social security system provides disability, retirement and Medicare services to qualified employees. All employees must participate in the Social Security program. Both employees and the Town contribute a percentage of wages as established by the federal government.

The current percentages can be found in Circular E at <http://www.irs.gov/formspubs>. Benefits of the program can be found at www.socialsecurity.gov.

C. Workers' Compensation

The Town is covered under statutory state Workers' Compensation Laws. Should you sustain a work-related injury, you must immediately notify your department supervisor or Human Resources. A "First Report of Injury" form will be completed by the Town and a copy given to the employee.

It is the Town's policy that if medical care is needed, except in the event of an emergency, the employee must use the Town's designated care provider for at least the first visit.

In the event that an employee must take time off because of a work related injury or illness, he/she will be paid by the workers' compensation insurance carrier. Any voluntary deductions from the employee's pay must be reimbursed by the employee during the absence.

Information of the State of Vermont Workers' Compensation Laws and benefits can be found at the State Labor Website at www.labor.vermont.gov

D. Health Insurance

Employees are eligible for group health insurance if you are employed by the Town on a full-time or part time basis at least 30 hours per week. The plan year for the health insurance is the calendar year.

Employees will become eligible to receive benefits from the plan on the first day of the calendar month coincident with or next following the date you first perform an hour of service as an eligible employee.

Once made, an employee's election to join the group is generally fixed for the remainder of the plan year. However, if an employee undergoes a change in family status (as defined in the Plan document), the employee may make a mid-year change in coverage (i.e., change coverage from individual to family or from

family to individual, add or delete dependents, or revoke coverage), provided the employee does so within 30 days from the date of the change in family status, in a manner provided by the Plan. Please contact human resources to determine if a family status change qualifies under the Plan document and IRS regulations.

At the end of each calendar year, during open enrollment employees are free to change medical elections for the following calendar year, whether or not the employee has a change in family status.

Human resources will assist employees in making the necessary arrangements for enrollment. A complete description of the plans is provided to each employee as a Summary Plan Description and appropriate supplements.

The selectboard will decide annually during open enrollment whether to adjust deductibles, HRA contributions, employee premium contributions and Town premium contributions.

E. Dental Insurance

Regular, non-temporary, non-seasonal employees regularly scheduled to work at least 30 hours per week, are eligible for the Town's Dental Plan.

Employees become eligible to receive benefits from the plan on the first day of the calendar month coincident with or next following the date the employee first performs an hour of service as an eligible employee.

The Town pays 100% the premium.

F. Group Life Insurance

The Town offers regular employees who are scheduled to work at least 30 hours per week and have been employed by the Town for at least 30 days an employer-paid basic group term life policy along with an accidental death and dismemberment policy. Each policy pays a flat \$10,000 life and \$10,000 ADD.

The Town pays 100% of the premium.

G. Short Term Disability

The Town's short-term disability plan is an insurance benefit that provides 60% of weekly wages up to a maximum of \$500 for employees who are unable to work due to non-work related illness, injury or disability, after an absence of 7 consecutive calendar days. Benefits begin on the 8th day of disability and continue for related absences up to a maximum of 12 weeks. Eligibility is the same as that for life insurance. This short term disability insurance plan does not provide employees any additional leave time.

Any FMLA leave to which an employee may be entitled runs concurrently with time off granted under this policy. In other words, an employee cannot take his/her full short term disability benefits, and then take three months off under FMLA; any time spend on short term disability counts as part of an employee's FMLA leave. The same rules apply to PFLA.

The Town pays 100% of the premium.

H. Long Term Disability

The Town offers full-time employees a Long Term Disability (LTD) plan. This plan provides for month LTD benefits of 50% of basic monthly earnings to a maximum benefit of \$4,000 per month. LTD benefits have a 180 day elimination period and are payable to age 65 or Normal Retirement Age (NRA). Eligibility is the same as that for life insurance.

The Town pays 100% of the premium.

I. Retirement Plan

The Town is a member of Vermont Municipal Employees Retirement System (VMERS). VMERS is the public pension plan provided by the State of Vermont for participating municipalities' employees. It was created in 1975 and is governed by Vermont Statute Title 24, Chapter 125.

All employees who work on a regular basis for not less than 24 hours per week and for not less than 1040 hours in a year must join the system as a condition of employment and begin contributions immediately upon date of hire.

The Town is enrolled in Group C of the Defined Benefit Plan of VMERS. With a defined benefit plan a participant's actual retirement benefit is specifically determined by a formula, which contains three variables; the participant's service credit, the participant's age at retirement, and their average final compensation. The final benefit is not determined by the amount of contributions made to the plan.

As of January 1, 2011, Group C members make annual pre-tax contributions equal to 9.25% of pay into the trust fund. Earnings on the trust fund investments provide a portion of your benefits, along with 6.5% Employer's contribution. Contribution rates are subject to change.

Complete details concerning contributions, benefits and investments of the plan can be found at www.vermonttreasurer.gov/retirement

J. Employee Professional Development

In order to maintain and improve the quality of services provided to the public, the municipality encourages the continuing professional development of all staff members. Toward this end, the Town provides a number of opportunities to staff as follows:

1. Training seminars, conferences and single college courses which are directly related to job responsibilities may be attended by employees after securing prior approval by the selectboard. The Town will pay all the related costs of these activities, including payment for meals and overnight accommodations as may be required to allow attendance. Receipts for all expenses must be provided in order for an employee to be reimbursed for travel, meals and lodging. Paid time off from work is included if the course, conference or seminar cannot be scheduled during non-working hours.
2. Workshops presented by state agencies, computer software providers, and professional associations are provided for in each department's budget and may be attended by employees of that department without prior selectboard approval in order to keep current on statutes, regulation and laws governing their positions.
3. Membership in professional organizations related to the employee's position or encouraged and provided for in department budgets.

K. Employee Assistance Program ("EAP")

The Town offers a voluntary and professional service that provides information, counseling, and referral service to all full-time and part-time employees and their dependents. There is no cost to access EAP services. However, anyone who is referred to an outside specialist will be responsible for payment to such third party (health insurance may apply).

INVEST EAP is the service provider. Their counselors provide support, information, and referrals to other professionals in the areas of family/relationship problems, workplace stress, anxiety/depression, stress, substance abuse, legal issues, financial problems, daycare and eldercare resources, grief and loss, career planning, as well as anger and violence. EAP counselors are available by telephone 24 hours per day, seven days per week at (800) 287-2173. They are also available in person or on the web at www.investeap.org.

7. Disciplinary Action

A. Discipline Other Than Immediate Termination

All employees are expected to meet the Town's standard of work performance. Work performance encompasses many factors, including attendance, punctuality, personal conduct, job proficiency and general compliance with the Town's policies and procedures.

If an employee does not meet these standards, the Town may, under appropriate circumstance, take corrective action, other than immediate dismissal.

The intent of corrective action is to formally document problems while providing the employee with a reasonable time within which to improve performance. The process is designed to encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with the Town's policies and procedures and/or other disciplinary problems.

B. Progressive Disciplinary Process

The Town has adopted a progressive discipline process to identify and address employee and employment related problems. The Town's progressive discipline process applies to any and all employee conduct that the Town in its sole discretion, determines must be addressed by discipline.

The progressive discipline process does not apply to elected officers and their statutory assistants. Statutory assistants include the assistant clerk and the assistance treasurer.

Under the Town's progressive discipline process, an employee may be subject to disciplinary action, up to and including termination, for violation of the provisions of this personnel policy and/or failure to maintain an acceptable level of performance. The Town may take prior disciplinary action into consideration when disciplining or terminating an employee. Violations of different rules may be treated as repeated violations of the same rule for purposes of progressive discipline.

Most often, employee conduct that warrants discipline results from unacceptable behavior, poor performance, or violation of the Town's policies, practices, or procedures. The Town also reserves the right to impose discipline for off-duty conduct that adversely impacts the legitimate interests of the Town.

Notwithstanding this progressive disciplinary process, employment with the Town of Underhill is at-will and the Town reserves the right in its sole discretion to bypass progressive discipline and to take whatever action it deems necessary to address the issue at hand. This means that more or less severe discipline, up to and including termination may be imposed in a given situation at the Town's sole discretion.

The Town also retains the right to unilaterally eliminate positions or reduce the work hours of a position or positions due to economic conditions, shortage of work, organizational efficiency, changes in departmental functions, reorganization or reclassification of positions resulting in the elimination of a position, or for other related reasons.

The town will normally adhere to the following progressive process, but reserves the right to bypass any or all steps of progressive discipline when it determines, in its sole discretion, that deviation from the process is warranted: (1) verbal warning; (2) written warning; (3) suspension; and (4) termination.

Employees who have had formal written warnings are not eligible for salary increases, bonus awards, promotions or transfers during the warning period.

C. Prohibited Conduct

Employees are prohibited from engaging in conduct listed below and may receive discipline, up to and including immediate termination, for doing so.

- Refusing to do assigned work or failing to carry out the reasonable assignments of a supervisor or selectboard member.
- Being inattentive to duty, including sleeping on the job.
- Falsifying a time card or other record or giving false information to anyone whose duty is to make such a record.
- Being repeatedly or continuously absent or late, being absent without notice or satisfactory reason or leaving one's work assignment without appropriate authorization.
- Conducting oneself in any manner that is offensive, abusive or contrary to reasonable community standards and expectations of public employees.
- Engaging in any form of harassment including sexual harassment.
- Misusing, misappropriating, or willfully neglecting Town property, funds, materials, or equipment or supplies.

- Unlawfully distributing, selling, possessing, using or being under the influence of alcohol or drugs when on the job or subject to duty.
- Fighting, engaging in horseplay or acting in any manner which endangers the safety of oneself or others. This includes acts of violence as well as threats of violence.
- Stealing or possessing without authority any equipment, tools, materials or other property of the Town or attempting to remove them from the premises without approval or permission from the appropriate authority.
- Marking or defacing walls, fixtures, equipment, tools, materials or other Town property, or willfully damaging or destroying property in any way.
- Willful violation of Town rules or policies.

This list is intended to be representative of the types of activities that may result in disciplinary action. This list, is not exhaustive, and is not intended to be comprehensive. It does not change the at-will employment relationship between the employee and the Town.

In the event of dismissal for misconduct, all benefits end at the end of the month. COBRA may not be available to anyone dismissed from the Town for gross misconduct.

8. Leaving the Town

A. Resignation

When an employee decides to leave for any reason, his/her supervisor, human resources, and the Selectboard would like the opportunity to discuss the resignation before final action is taken. The Town often finds during this conversation that another alternative may be better. If, however, after full consideration the employee decides to leave, it is requested that the employee provide the Town with a written two-week advance notice period (bear in mind that vacation days or personal days may not be included in the two-week notice period).

The Town will compensate employees for unused vacation. If as sometimes happens, the employee's supervisor wishes for the employee to leave prior to the end of the employee's two-weeks notice, the employee may be paid for the remainder of the period.

B. Employee Termination Process

The Town of Underhill has adopted an employment termination process. Most often, employee conduct that warrants termination results from unacceptable behavior, poor performance, or violation of the Town's policies, practices, or procedures. However, termination may result from conduct that falls outside of those identified areas.

The Town retains the right to unilaterally eliminate a position and thus terminate employment or reduce the work hours for some or all employees due to economic conditions, shortage of work, organizational efficiency, changes in departmental functions, reorganization or reclassification of positions resulting in the elimination of a position or for other related reasons. In such case, this termination process does not apply.

The Town need not utilize this termination process but may take whatever action it deems necessary to address the issue at hand. Notwithstanding the description of this termination process, employment with the Town of Underhill is at-will.

An employee being considered for termination will be provided with a written notice. The notice will contain a brief statement of the reasons termination is being considered and the date, time and place of a pre-termination meeting with the employee's supervisor.

At the pre-termination meeting, the employee will be afforded an opportunity to present the employee's response to the reasons for termination. If the employee declines to attend the pre-termination meeting, the employer may submit written response to the pre-termination notice not later than the scheduled date of the meeting.

Within seven days of the date of the meeting, the supervisor will provide the employee with a written notice informing the employee whether he/she has been terminated. If the employee has been terminated, the notice will provide the general reasons therefore and will also inform the employee of the opportunity to request a post-termination hearing before the selectboard by giving written notice of such request to the supervisor within seven days. The employee will be informed that the employee's failure to make a timely request for a post-termination hearing will result in such hearing being waived.

If a request for a post-termination hearing is made, the selectboard will provide the employee with a notice informing the employee of the date, time, and place of the post-termination hearing before the selectboard. The notice will inform the employee of his or her right to be represented by counsel, to present and cross-examine witnesses and to offer supporting documents and evidence. The notice will also inform the employee of his or her right to have the hearing conducted in executive session in accordance with 1 V.S.A. § 313.

At the post-termination hearing, the employee will be afforded the opportunity to address the basis for termination by hearing and examining the evidence presented against the employee, cross-examining witnesses and presenting evidence on his/her behalf. The selectboard will make such determinations as may be necessary in the event of evidentiary objections or disputes. When the hearing is adjourned, the selectboard, under the authority granted by 1 V.S.A. § 313(e), will consider the evidence presented in the hearing in deliberative session.

The selectboard will render a written decision within fourteen days after close of the hearing, unless otherwise agreed upon by the parties.

C. Post Resignation/Termination Process

Human Resources is responsible for scheduling an exit interview with a terminating employee on the employee's last day of employment and for arranging the return of Town property including building or file cabinet keys, credit cards, manuals and other issued property, voice mail passwords and all computer passwords.

Employees may choose the continuation or waiver of comprehensive medical coverage and dental coverage under COBRA.

Benefits end on your last day of employment. An employee, unless dismissed for gross misconduct, has the option to convert to individual life insurance, and/or to continue Medical/Dental Benefits in accordance with the Consolidated Omnibus Budget Reconciliation Act ("COBRA") regulations. The Town's COBRA administration is handled by Choice COBRA.

The final paycheck will be mailed during the next normal pay period. If there are unpaid obligations to the Town, the final paycheck will reflect the appropriate deductions.

9. Severability

If any provision of this personnel policy or the application hereof to any person or a circumstance(s) is held invalid, this invalidity does not effect other provisions or applications of the personnel rules which can be given effect without the invalid provision or applications. For this purpose, this personnel policy is severable.

ADOPTED this _____ day of _____ 20 ____.

SIGNATURES of SELECTBOARD:

Revised by resolution of the Selectboard on May 16, 2015.

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT OF THE TOWN OF
UNDERHILL PERSONNEL POLICY and SUPPORTING DOCUMENTS

I, the undersigned, hereby acknowledge receipt of a copy of the Personnel Policy Handbook and attachments, including the Health and Safety Policy, Tobacco Policy, Drug and Alcohol Policy, Harassment and Sexual Harassment Policies.

The contents were reviewed by me.

I have been given an opportunity to ask questions about the policy and I have been provided with satisfactory information in response to my questions.

I understand that the language used in this personnel policy is not intended to create, nor should it be construed to create a contract of employment between myself and the Town of Underhill.

I acknowledge that the Town of Underhill reserves the right to add, amend or discontinue any of the provisions of this policy for any reason, in whole or in part, at any time, with or without notice.

I acknowledge that I understand the Town of Underhill personnel policy and I agree that I will comply with all of its provisions.

Signature _____ Printed Name _____

Date _____

APPENDIX A
TOWN OF UNDERHILL
DRUG-FREE WORKPLACE POLICY

Purpose and Policy Statement

The Town of Underhill is responsible, as an employer, for maintaining safe, efficient working conditions for their employees by providing a drug-free workplace. Therefore, municipal employees shall not engage in the unlawful manufacture, distribution, possession or use of controlled substances (drugs) on the job or on any municipal work site.

An employee who is under the influence of any drug on the job may pose serious safety and health risks not only to the user but to co-workers and the general public at large.

Applicability and Conditions

1. Employees shall be required, as a condition of their employment, to abide by the terms and conditions of this Drug-Free Workplace Policy.
2. An employee shall notify his/her Department Head of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Failure to notify will result in discipline, up to and including dismissal.
3. An employee convicted under any criminal drug statute for a violation occurring in the workplace, while on or off duty, or on duty away from the workplace, shall be immediately dismissed for the first offence.
4. Any disciplinary action must comply with the American with Disabilities Act, if applicable.
5. An employee not convicted under any criminal drug statute, but who engages in the illegal manufacture, distribution, dispensation, possession or use of controlled substances in any municipal workplace while on or off duty, or on duty away from the workplace, shall be subject to discipline up to and including dismissal for the first occurrence. An employee engaging in such actions while off duty and away from the workplace may be subject to discipline, up to and including dismissal, including for the first offense.
6. Any employee on municipal premises who appears to be under the influence of, or who possesses illegal or non-medically authorized drugs, or who has used such drugs on municipal premises, may be temporarily relieved from duty pending further investigation.

7. If the use of legal drugs endangers safety, management may reassign work on a temporary or permanent basis.
8. For certain positions, the legal use of a drug can pose a significant risk to the safety of the employee and others. Employees who feel, or have been informed, that the use of such a drug may present a safety risk, are to report such drug use to their supervisor.
9. Misuse of prescription drugs is considered to be the illegal use of drugs. This includes both the use of such drugs in a manner inconsistent with the prescribed use and any use of prescription drugs by persons for whom they are not prescribed.

Adopted by the Underhill Selectboard on the ____ day of _____ 20__.

APPENDIX B
TOWN OF UNDERHILL
SMOKING POLICY

The Town prohibits all smoking throughout its workplace. This prohibition extends to smokeless tobacco products, unless that are incidental to an employee's program to quit smoking, i.e. "the patch" etc.

Adopted by the Underhill Selectboard on October 9, 2009

By Stephen Walkerman, Chair Underhill Selectboard

APPENDIX C
TOWN OF UNDERHILL
SEXUAL HARASSMENT POLICY

Definition

Sexual harassment is a form of sex discrimination. It involves behavior that may include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct. Examples of sexual harassment include the following: abusing an employee through insulting or degrading sexual remarks or conduct; threats, demands, or suggestions that an employee's work status is contingent upon the employee's toleration of, or acquiescence to, sexual advances; retaliation against an employee for complaining about the behaviors described above.

Policy

Sexual harassment in the workplace is unlawful. It is further unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of sexual harassment. Employees have the right to work without being subject to insulting, degrading, or exploitative treatment on the basis of their gender. Sexual harassment by Town employees in any form is strictly prohibited. Likewise, the Town of Underhill will not tolerate retaliation against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of harassment. Further, the Town will address complaints regarding sexual harassment committed in the workplace by employees against non-employees and by non-employees (such as vendors, customers, board members, and other workplace visitors) against employees to the extent possible.

Consequence

Employees who violate this policy will be subject to disciplinary action, up to and including discharge. An employee subject to sexual harassment is encouraged to report it before it becomes severe or pervasive, he/she shall notify either the Highway Foreman, Town Administrator or Selectboard member. A prompt, thorough and impartial investigation will be conducted and employee confidentiality will be protected to the extent possible. If it is determined that unlawful sexual harassment has occurred, the Town will take immediate and appropriate corrective action.

Employees may also contact the State of Vermont Attorney's General Office, 109 State Street, Montpelier (828-3171) or the federal Equal Employment Opportunity Commission, JFK Federal Building, 475 Government Center, Boston, MA 02203, (800) 669-4000.

Adopted by the Underhill, VT Selectboard on April 1, 2008

Reviewed by the Underhill Selectboard; no changes made on October 9, 2009

Reviewed by the Underhill Selectboard; changes to whom to notify on February 28, 2013

By Stephen Walkerman, Chair Underhill Selectboard

APPENDIX D

TOWN OF UNDERHILL

FAMILY AND MEDICAL LEAVE

Overview

The rights of employees to have time off for certain medical or family reasons come from two different sources: the federal Family and Medical Leave Act (FMLA), 29 U.S.C. §2601 et.seq.; the Vermont Parental and Family Leave Act, 21 V.S.A. §470 et.seq.. Although they are similar in many ways, the federal and state statutes are different in other significant ways.

Parental and Medical Leave

Vermont law requires many employers to allow full-time employees to take up to 12 weeks per year of unpaid leave for pregnancy, birth, adoption, or serious illness of themselves or close family members. Employers may not retaliate against employees who exercise their rights under the law and normally must reinstate employees in their jobs on return from leave.

- The parental leave section of the act applies to employers with 10 or more employees. The Town of Underhill is subject to this section.
- The medical leave section of the act applies to employers with 15 or more employees. The Town of Underhill is not subject to this section.
- To qualify under the act employees must be continuously employed by the same employer for a period of one year an average of at least 30 hours per week.

Short-Term Leave

Vermont law also allows many employees to take up to 24 hours per year (4 hours per month) of short-term unpaid leave for routine medical and dental care, children's academic needs, medical emergencies, and the like.

Federal Family and Medical Leave Act ("FMLA")

The Family and Medical Leave Act ("FMLA") provides eligible employees with up to 12 workweeks of unpaid leave for certain family and medical reasons during a 12 month period. During this leave, an eligible employee is entitled to continued group health plan coverage as if the employee had continued to work. At the conclusion of the leave, subject to some exceptions, an employee generally has the right to return to the same or to an equivalent position.

Employee Eligibility Criteria

To be eligible for FMLA leave, an employee must have been employed by the Town of Underhill:

For at least 12 months (which need not be consecutive), and

For at least 1,250 hours during the 12 month period immediately preceding the commencement of the leave.

Be employed at a worksite where 50 or more employees are employed by the municipality within 75 miles of the worksite.

Events Which May Entitle an Employee to FMLA Leave

FMLA leave may be taken for any one, or for a combination of, the following reasons:

The birth of the employee's child or to care for the newborn child;

The placement of a child with the employee for adoption or foster care or to care for the newly placed child;

To care for the employee's spouse, child or parent (but not in-law) with a serious health condition; and/or

The employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job.

A "serious health condition" is an injury, illness, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

How Much FMLA Leave May Be Taken

An eligible employee is entitled to up to 12 workweeks of unpaid leave during a 12 month period for any FMLA qualifying reason(s). The 12 month period is the 12 month period measured forward from the date an employee's first FMLA leave begins. Subsequent 12 month periods begin the first time FMLA is taken after the completion of any previous 12 month period.

Limitation on FMLA Leave

Leave to care for a newborn or for a newly placed child must conclude within 12 months after the birth or placement of the child.

When both spouses are employed by the Town of Underhill, they are together entitled to a combined total of 12 workweeks of FMLA leave within the

designated 12 month period for the birth, adoption or foster care placement of a child with the employee, for aftercare of the newborn or newly placed child, and to care for a parent (but not in-law) with a serious health condition. Each spouse may be entitled to additional FMLA leave for other FMLA qualifying reasons (i.e., the difference between the leave taken individually for any of the above reasons and 12 workweeks, but not more than a total of 12 workweeks per person).

Intermittent Or Reduced Work Schedule Leave

Intermittent leave is leave taken in separate blocks of time. A reduced work schedule leave is a leave schedule that reduces an employee's usual number of hours per workweek or hours per workday.

Leave to care for a newborn or for a newly placed child may not be taken intermittently or on a reduced work schedule unless the Town of Underhill agrees with respect to an individual leave request.

Leave because of an employee's own serious health condition, or to care for an employee's spouse, child or parent with a serious health condition, may be taken all at once or, where medically necessary, intermittently or on a reduced work schedule.

If an employee takes leave intermittently or on a reduced work schedule basis, the employee must, when requested, attempt to schedule the leave so as not to unduly disrupt the Town of Underhill's operations. When an employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment, the Town of Underhill may temporarily transfer the employee to an alternative position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

Requests for FMLA Leave

An employee should request FMLA leave by completing the Employer's Request for Leave form and submitting it to the Human Resources.

When leave is foreseeable for childbirth, placement of a child or planned medical treatment for the employee's or family member's serious health condition, the employee must provide the Town of Underhill with at least 30 days advance notice, or such shorter notice as is practicable (i.e., within 1 or 2 business days of learning of the need for the leave). When the timing of the leave is not foreseeable, the employee must provide the Town of Underhill with notice of the need for leave as soon as practicable (i.e., within 1 or 2 business days of learning of the need for the leave).

Required Documentation

When leave is taken to care for a family member, the Town of Underhill may require the employee to provide documentation or statement of family relationship (e.g., birth certificate or court document).

An employee may be required to submit medical certification from a health care provider to support a request for FMLA leave for the employee's or a family member's serious health condition. Medical certification forms are available from the Human Resources.

During FMLA leave, the Town of Underhill may request that the employee provide recertification of a serious health condition at intervals in accordance with the FMLA. In addition, during FMLA leave, the employee must provide the Town of Underhill with periodic reports regarding the employee's status and intent to return to work. If the employee's anticipated return to work date changes and it becomes necessary for the employee to take more or less leave than originally anticipated, the employee must provide the Town of Underhill with reasonable notice (i.e., within 2 business days) of the employee's changed circumstances and new return to work date. If the employee gives the Town of Underhill notice of the employee's intent not to return to work, the employee will be considered to have voluntarily resigned.

Before the employee returns to work from FMLA leave for the employee's own serious health condition, the employee may be required to submit a fitness for duty certification from the employee's health care provider, with respect to the condition for which the leave was taken, stating that the employee is able to resume work.

FMLA leave or return to work may be delayed or denied if the appropriate documentation is not provided in a timely manner. Also, a failure to provide requested documentation of the reason for an absence from work may lead to termination of employment.

Use of Paid and Unpaid Leave

FMLA provides eligible employees with up to 12 workweeks of unpaid leave. If an employee has accrued paid leave (e.g., vacation, sick leave, personal leave), however, the employee must use any qualifying paid leave first. "Qualifying paid leave" is leave that would otherwise be available to the employee for the purpose for which the FMLA leave is taken. The remainder of the 12 workweeks of leave, if any, will be unpaid FMLA leave. Any paid leave used for an FMLA qualifying reason will be charged against an employee's entitlement to FMLA leave. The substitution of paid leave for unpaid leave does not extend the 12 workweek leave period.

Designation of Leave

The Town of Underhill will notify the employee that leave has been designated as FMLA leave within 2 business days after acquiring knowledge that the leave is being taken for an FMLA qualifying reason. The Town of Underhill may provisionally designate the employee's leave as FMLA leave if the Town of Underhill has not received medical

certification or has not otherwise been able to confirm that the employee's leave qualifies as FMLA leave. If the employee has not notified the Town of Underhill of the reason for the leave, and the employee desires that leave be counted as FMLA leave, the employee must notify the Human Resources within 2 business days of the employee's return to work that the leave was for an FMLA reason.

Maintenance of Health Benefits

During FMLA leave an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work.

To the extent that an employee's FMLA leave is paid, the employee's portion of health insurance premiums will be deducted from the employee's salary. For the portion of FMLA leave that is unpaid, the employee's portion of health insurance premiums may be paid at the same time as if made by payroll deduction.

If the employee's payment of health insurance premiums is more than 30 days late, the Town of Underhill may discontinue health insurance coverage upon 15 day notice to the employee.

Return from FMLA Leave

Upon return from FMLA leave, the Town of Underhill will place the employee in the same position the employee held before the leave or an equivalent position with equivalent pay, benefits and other employment terms.

Limitations of Reinstatement

An employee is entitled to reinstatement only if he/she would have continued to be employed had FMLA leave not been taken. Thus, an employee is not entitled to reinstatement if, because of a layoff, reduction in force or other reason, the employee would not be employed at the time job restoration is sought.

Failure To Return To Work Following FMLA Leave

If the employee does not return to work following the conclusion of FMLA leave, the employee will be considered to have voluntarily resigned. The Town of Underhill may recover health insurance premiums that the Town of Underhill paid on behalf of the employee during any unpaid FMLA leave except that the Town of Underhill's share of such premiums may not be recovered if the employee fails to return to work because of the employee's or a family member's serious health condition or because of other circumstances beyond the employee's control. In such cases, the Town of Underhill may require the employee to provide medical certification of the employee's or the family member's serious health condition.

APPENDIX E
TOWN OF UNDERHILL
HEALTH AND SAFETY POLICY

The Town of Underhill recognizes its employees as a most important asset. As such, the Town of Underhill's safety and health mission is to provide a safe and healthy workplace for all employees and dependents, when possible, as a priority both on and off the job. The Town of Underhill's safety and health programs recognize that the safe and healthy behavior of each employee is crucial to meeting this mission.

To help meet the goals of a safe and healthy workplace, the Underhill Selectboard chose to join the VLCT Health Trust Leader Program and has established a Health & Safety Committee, ("the Committee"). The Committee will develop measures to gauge individual participation in health and safety programs. The Committee will evaluate employee participation in November of each year and report their evaluations and recommendations to the Selectboard. The Selectboard shall consider the recommendation of the Committee when apportioning any Leader Program proceeds that the Town may realize as a result of health and safety programs. In general, the more that an employee participates in Town health and safety programs, their percentage of Leader Program proceeds will be greater.

It is the responsibility of each employee to follow any safety procedures and to follow any ergonomic recommendations based upon an evaluation of his/her workspace and duties. If an employee is unsure of how to do a particular task safely, he or she should seek further instruction from his/her supervisor or workplace professional. Each employee is also obligated to report all unsafe or unhealthy working conditions to his/her supervisor or the Town Administrator. It is the responsibility of each supervisor to monitor and assist employees in the safe performance of his or her duties including following ergonomic recommendations. Safe and healthy behaviors and attitudes, at work, are an expected part of each employee's job performance.

An employee who sustains a work-related injury or illness should report it immediately to his/her supervisor or to the Town Administrator. A "First Report of Injury" form will be completed by the Town and a copy given to the employee. This mission and policy statement will be reviewed at least annually by the Underhill Health & Safety Committee and revised when necessary to the Selectboard, to allow Underhill to meet the mutually beneficial goal of minimal workplace injuries or illnesses.

Adopted by the Underhill Selectboard on the 9th day of October, 2009

Stephen Walkerman, Chair Underhill Selectboard

APPENDIX F
TOWN OF UNDERHILL
HARASSMENT POLICY

Definition

Unlawful harassment is a form of discrimination based on membership in a classification protected by law. It involves behaviors that are viewed as offensive or harassing. Examples of harassment include the following: insulting comments of a sexual, racial, or religious nature or references to an individual's age, sexual orientation or disability; aggressive bullying behaviors; inappropriate physical contact or gestures, physical assaults or contact that substantially interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment; retaliation against an employee for complaining about the behaviors described above or for participating in an investigation of a complaint of harassment.

Policy

The Town of Underhill will not tolerate unlawful harassment based on race, sex, religion, national origin, age, disability, color, ancestry, place of birth, or sexual orientation or any other protected status defined by law. Likewise, Underhill will not tolerate retaliation against an employee for filing a complaint of harassment or for cooperation in an investigation of harassment. Further, the town will address complaints regarding harassment committed in the workplace by employees against non-employees and by non-employees (such as vendors, customers, board members, and other workplace visitors) against employees to the extent possible.

Consequence

Employees who violate this policy will be subject to disciplinary action, up to and including discharge. An employee subject to harassment is encouraged to report it before it becomes severe or pervasive. He/she shall notify the Highway Foreman, the Town Administrator, or the Selectboard. A prompt, thorough and impartial investigation will be conducted and employee confidentiality will be protected to the extent possible. If it is determined that unlawful harassment has occurred, the town will take immediate and appropriate corrective action.

Employees may also contact the State of Vermont Attorney's General Office 109 State Street, Montpelier (828-3171) or the federal Equal Employment Opportunity Commission, JFK Federal Building, 475 Government Center, Boston, MA 02203, (800) 669-4000.

Adopted by the Underhill Selectboard on April 1, 2008

Reviewed by the Selectboard, no changes made on October 9, 2009.

By: Stephen Walker, Chair Underhill Selectboard

APPENDIX G
TOWN OF UNDERHILL
AMERICAN WITH DISABILITIES ACT POLICY STATEMENT

General Policy

The Town is committed to complying with all applicable provisions of the Americans With Disabilities Act ("ADA"). It is the Town's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the Town will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the Town aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the Town.

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact human resources. The Town encourages individuals with disabilities to come forward and request reasonable accommodation.

Procedure for Requesting an Accommodation

On receipt of an accommodation request, a member of the Human Resources and your supervisor will meet with you to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the Town might make to help overcome those limitations.

The selectboard will determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodation, the availability of funding, the Town's overall financial resources and the accommodation's impact on the operations of the Town, including the impact on the ability of other employees to perform their duties and on the Town's ability to conduct provide it's services.

The selectboard will inform the employee of its decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, employees will be advised of their right to appeal the decision by submitting a written statement explaining the reasons for the request. If the request on appeal is denied, that decision is final.

The ADA does not require the Town to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs, etc.).